

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN DOE,

Plaintiff,

v.

DONALD J. TRUMP, et al.,

Defendants.

S.Y., *et al.*,

Plaintiffs,

v.

KRISTIN NOEM, *et al.*,

Defendants.

ZHUOER CHEN, *et al.*,

Plaintiffs,

v.

KRISTI NOEM, *et al.*,

Defendants.

W.B.,

Plaintiff,

v.

KRISTI NOEM, *et al.*,

Defendants.

Case No. [25-cv-03140-JSW](#)

**NOTICE OF TENTATIVE RULING
AND QUESTIONS FOR HEARING**

Re: Dkt. No. 9

No. 25-cv-03244-JSW

Re: Dkt. No. 10

No. 25-cv-03292-JSW

Re: Dkt. No. 7

No. 25-cv-03407-JSW

Re: Dkt. No. 8

1 J.C., *et al.*,
2 Plaintiffs,
3 v.
4 KRISTI NOEM, *et al.*,
5 Defendants.

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7 No. 25-cv-03502-JSW
8 Re: Dkt. No. 9
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12 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE NOTICE
13 OF THE FOLLOWING NOTICE OF TENTATIVE RULING AND QUESTIONS FOR THE
14 HEARING SCHEDULED ON May 14, 2025, AT 10:00 a.m. The parties should not simply
15 reargue matters addressed in their briefs and shall not file written responses to this Notice of
16 Questions.

17 If the parties intend to rely on legal authorities not cited in their briefs, they are ORDERED
18 to file a notice listing those authorities, with pin cites and without argument, by no later than 4:30
19 p.m. on May 13, 2025. The parties will be given the opportunity at oral argument to explain their
20 reliance on such authority. The Court will make exceptions only for authority decided after that
21 deadline. *Cf.* N.D. Civil Local Rule 7-3(d). The Court will call these cases together, and the
22 parties will have the opportunity to address any facts or circumstances that may be unique to their
23 case during the argument.

24 The Court is tentatively inclined to GRANT Plaintiffs' motions but RESERVES issuing a
25 tentative ruling on the scope and breadth of an injunction. The Court also is not persuaded by
26 Defendants' arguments that terminating a SEVIS record has no impact on an individual's F-1
27 status and will not hear argument on that issue. The Court also is not persuaded the need for an
28 injunction is moot.

29 1. If the Court concludes Plaintiffs' motions can be resolved without considering the
30 Due Process claims, do Plaintiffs agree that the Court would not be able to directly enjoin
31 President Trump because he is not an agency under the Administrative Procedure Act? *See, e.g.*,
32 *Student Doe #1 v. Noem*, No. 25 C 4188-SLE, 2025 WL 1341711, at *12 n.13 (N.D. Ill. May 8,
33 2025) (citing *Dalton v. Specter*, 511 U.S. 462, 469 (1994)).

1 2. Plaintiffs submit the Administrative Record from *Patel v. Lyons*, 25-cv-1096-ACR,
2 which includes a draft email from State Department officials. (See, e.g., 25-3140, Dkt. No. 52-1,
3 Declaration of Johnny Sinodis, Ex. A.) One portion of that Administrative Record includes an
4 email string in which a State Department official responds “Please terminate all in SEVIS,”
5 approximately 15 minutes after the first email in the string. Is that the only reasoning on which
6 Defendants relied to terminate the Plaintiffs’ SEVIS records? If not, where in the existing record
7 can the Court find reasoning to support the initial termination of Plaintiffs’ records?

8 3. How do Defendants respond to Plaintiffs’ argument that resetting the original end
9 date of a STEM-Optional Practical Training (“OPT”) or OPT work authorization does not remedy
10 harm suffered while Plaintiffs were unable to work because of their SEVIS record was terminated?

11 4. Plaintiffs argue that although the SEVIS records have been reset to active, there are
12 no public-facing entries that would explain the gap between the termination date and the
13 restoration date. (See, e.g., 25-3140, Dkt. No. 63-1, Reply Declaration of Johnny Sinodis, ¶¶ 6,
14 10, Exs. E and I (Examples of SEVIS records).) In the examples provided by Plaintiffs, there is a
15 field that gave Defendants the opportunity to explain why the record was terminated. Why can
16 Defendants not create a similar field to explain why the record was reactivated and add language
17 that no adverse actions shall be taken against the individual because of the gap?

18 5. In terms of a showing of irreparable harm, does either party suggest that there is a
19 material difference between a Plaintiff whose visa has been revoked or is otherwise not valid and a
20 Plaintiff whose visa is valid?

21 6. Is there any evidence in the record that is specific to these Plaintiffs that shows the
22 visa revocations did not have “immediate effect”?

23 7. The Ninth Circuit has recognized that nationwide or universal “relief is
24 commonplace in APA cases, promotes uniformity in immigration enforcement, and” can be
25 necessary to provide plaintiffs with complete redress. *East Bay Sanctuary Covenant v. Trump*,
26 932 F.3d 742, 779 (9th Cir. 2018).

27 a. Plaintiffs argue that the Court should not consider the fact that plaintiffs in other cases
28 have chosen to dismiss their cases in the analysis of whether a nationwide injunction is

1 appropriate. Why should the Court not consider the fact of the dismissals in
2 considering the need for universal relief?

3 b. Do Defendants continue to rely exclusively on the arguments raised in their opposition
4 and supplemental opposition briefs on this issue?

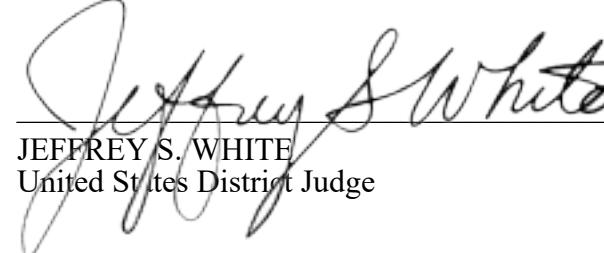
5 8. Can any of the parties advise the Court whether a plaintiff in a case outside this
6 District is asking for a nationwide injunction? If so, which case and what is the current status of
7 the case?

8 9. The earliest temporary restraining order issued in these cases is set to expire at
9 approximately 9:30 on May 15, 2025. The Court granted requests to extend the briefing schedules
10 to provide Defendants time to obtain declarations and to accommodate the parties' efforts to
11 resolve these matters. Assuming the Court maintains its tentative ruling that it will grant the
12 motions, will Defendants consent to a brief extension of the temporary restraining orders to permit
13 the Court to issue its written ruling?

14 10. Is there anything further the parties wish to add?

15 **IT IS SO ORDERED.**

16 Dated: May 13, 2025

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19 JEFFREY S. WHITE
20 United States District Judge
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